

STATEMENT OF SUBSTANCE OF INTERVIEW

Applicants wish to thank the Examiner for the courtesies she extended toward their representatives during a telephone interview that was held on December 1, 2009.

Applicants requested the interview in order to discuss the conclusions drawn in the Office communication dated November 9, 2009. Applicants' representatives argued that the current claims—that is, the claims presented in the Amendment filed June 23, 2008—and the claims presented in the Amendment filed June 29, 2009 were not directed to independent or distinct inventions. Their reasoning was that the current claims and the presented claims were directed to related processes rather than separate subcombinations. Thus, any restriction should have proceeded according to the practice set forth in MPEP § 806.05(j), not MPEP § 806.05(d). One requirement for restriction under subsection (j) is that the inventions either not be capable of use together, or have materially different designs, modes of operation, functions, or effects. Applicants' representatives submitted that this requirement was not satisfied and, therefore, restriction between the sets of claims was not proper.

The Examiner agreed with the argument, and also agreed to withdraw the restriction requirement upon Applicants' submission of a formal reply to the Office communication.